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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,486	06/08/2000	Brian Hamilton	9122-2	1098

7590 10/20/2004

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EXAMINER

KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/590,486

Applicant(s)

HAMILTON, BRIAN

Examiner

Stefano Karmis

Art Unit

3624

UW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 10/05/2004.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The following communication is in response to Applicant's Amendment filed on 21 July 2004.

Status of Claims

2. Claims 1, 5, 10, 12, 15, 19, 24, 28 and 33 have been amended. Claims 2-4, 6-9, 11, 13, 14, 16-18, 20-23, 25-27, 29-32 and 34-37 have been left as originally filed. Claims 38-46 have been newly added.

Status of this Office Action

3. Applicant's arguments filed on 21 July 2004 have been fully considered and are discussed in the next section below. Claims 1-46 are rejected based on the prior art cited below and Applicant's request for allowance is respectfully declined.

Response to Amendment

4. The declaration filed on 06 April 2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the reference.

5. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the reference to either a constructive reduction to practice or an actual reduction to practice. In the instant application, there is a gap of inactivity between 02 September 1998 and 03 November 1999 when the provisional application was filed. Diligence must be shown for the entire critical period. Any interval of inactivity may be excused if established by evidence.

6. The submission of A Great Report! Dated 02 September 1998 is labeled as consisting of 3 pages, however there are 4 actual pages. The actual second page specifically is not numbered. It is unclear whether pages have been added or there is error in page numbering. Therefore the submission of A Great Report towards the 37 C.F.R 1.131 Declaration is not considered.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis U.S. Patent 6,513,019 in view of Elliott, U.S. Patent 6,651,219.

11. Claims 1, 3-6, 8-10, 12-13, 15, 1-20, 22-24, 26-29, 31-34 and 36-37 are rejected under Lewis as discussed in paragraph 4 of the previous office action mailed 06 October 2003.

Further: Lewis fails to teach the step of "the narrative financial analysis report including text explaining a meaning of each combination of scores in a narrative format."

Elliot teaches a system and method for the generation of text reports in which an automated text generation system may be used to generate financial reports based on financial data. The text generation system uses decisional statements along with base equations to specify appropriate text fragments reflecting analytic conditions (column 2, lines 25-55). Continuing, the text fragments explain relationships between of scores for sets of financial values that relate to different financial performance indicators (column 13, lines 21-56). It would have been obvious to one of ordinary skill in the art that the financial communication platform teachings of Lewis could have been modified to include narrative financial analysis reports including text explaining a meaning of each combination of scores in a narrative format as taught by Elliott because it provides a an efficient manner to communicate financial data to a user in an easy to understand format so the user does not have to decipher analytical data to understand financial data.

Response to Arguments

12. Applicant's arguments with respect to claim 1-46 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (703) 305-8130. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted
Stefano Karmis
05 October 2004

A handwritten signature in black ink, appearing to read "Vincent Millin". The signature is stylized with a large, sweeping initial "V" and a cursive "M".

**VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**